IN THE CHANCERY COURT OF DESOTO COUNTY, MISSISSIPPI

JACQUELINE W. WILLIAMS, LULA W. GILLESPIE, VERNA P. WALLACE, WOODROW WILLIAMS, AL MALONE, SHELIA MALONE, JANIT W. DONALD, CHRIS FOSTER, BESSIE MALONE, HELEN WALLACE AND WILLIE WALLACE,

PLAINTIFFS

VS.

CAUSE NO. 04-10-1688

MAURICE WALLACE, UNION PLANTERS BANK NATIONAL ASSOCIATION, BANCORPSOUTH BANK, and CITI FINANCIAL MORTGAGE COMPANY, INC.,

DEFENDANTS

DECREE GRANTING ALTERATION OF THE WALLACE ESTATES SUBDIVISION PLAT

THIS MATTER came on for hearing upon Plaintiffs' Petition to Alter the Wallace Estates Subdivision Plat, and the Court finds as follows, to wit:

1. Plaintiffs are adult resident citizens of the State of Mississippi and are owners of property within Wallace Estates Subdivision as recorded at Plat Book 68, Page 23 Chancery Clerk's office, DeSoto County, Mississippi. The specific lots owned by Plaintiffs and the lien holders of record for each are specifically described as follows:

Lot 1 - Jacqueline W. Williams Lien Holder - None

Lot 2 - Lula W. Gillespie Lien Holder - None

Lot 3 - Verna P. Wallace Lien Holder: None

Lot 5 - Woodrow Williams Lien Holder: BancorpSouth Bank

Lot 6 - Al and Shelia Malone Lien Holder: BancorpSouth Bank

Lot 7 - Jacqueline W. Williams Lien Holder: None

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Lot 8 - Janit W. Donald Lien Holder: None

Lot 9 - Chris Foster

Lien Holder: City Financial Company

Lot 10 - Bessie Malone Lien Holder: None

Lot 11 - Helen Wallace Lien Holder: None

Lot 12 - Willie Wallace Lien Holder: None

- Defendant, Maurice Wallace, is an adult resident citizen of DeSoto County,
 Mississippi, who is available for service of process at 6235 Hacks Cross Road, Olive Branch,
 Mississippi 38654. Defendant Maurice Wallace owns Lot 4 of the Wallace Estates Subdivision.
- 3. Defendant, Union Planters Bank, National Association, the principal banking subsidiary of Union Planters Corporation, may be served with process at 6200 Poplar Avenue, Memphis, Tennessee 38119 by serving any officer. Defendant Union Planters Bank, National Association, is joined as a defendant due to its status as a lien holder of record for Lot 4, Wallace Estates Subdivision by Deed of Trust recorded at Book 404, Page 306 in the Chancery Clerk's Office, DeSoto County, Mississippi.
- 4. Defendant, BancorpSouth Bank, a Mississippi banking institution, who may be served with process by serving any officer at 2778 W. Jackson Street, Tupelo, Mississippi 38801. Defendant BancorpSouth Bank is joined as a defendant due to its status as a lien holder of record for Lots 5 and 6, Wallace Estates Subdivision.
- 5. Defendant, Citi Financial Mortgage Company, Inc., a New York banking institution, whose Registered Agent, CT Corporation System, may be served with process at 645 Lakeland

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East Drive, Suite 101, Flowood, Mississippi 39232. Defendant, Citi Financial Mortgage Company, Inc. is joined as a defendant due to its status as a lien holder of record for Lot 9, Wallace Estates Subdivision.

- 6. Defendant, Maurice Wallace, is the owner of Lot 4 of Wallace Estates

 Subdivision, located in Section 35, Township 1 South, Range 6 West, DeSoto County,

 Mississippi as per plat recorded in Plat Book 68, Page 23 of the Land Records of the Chancery

 Clerk's Office, DeSoto County, Mississippi.
- 7. Through the years and passage of time, numerous plats have been recorded for the property known as Wallace Estates Subdivision. The various plats contain erroneous lot lines and there have been problems with consistency among the plats which has produced confusion of lot numbers among the various lot owners. The existing plats of record for the Wallace Estates Subdivision are inconsistent with the current state of the property use within said Subdivision and are overly cumbersome and unduly restrictive on the marketability of lots within said Subdivision.
- 8. Plaintiffs are entitled to have the prior plats of the Wallace Estates Subdivision vacated, including the Plat recorded at Book 68, Page 23.
- 9. Plaintiffs are entitled to have recorded a new plat to be known as the Gartha Wallace Subdivision, a copy of which is attached hereto as Exhibit "A" and made a part hereof as if fully copied verbatim.
- 10. The alterations to the Wallace Estates Subdivision Plat which have been proposed herein will have no materially adverse effect on the character of the neighborhood.
- 11. Plaintiffs have obtained the written consent of owners of real property and mortgagees to the extent possible. Due to the likelihood of being unable to obtain the written

consent of each and every lot owner and/or mortgagee, Plaintiffs are have proceeded under Miss. Code Ann. §19-27-31.

- 12. Plaintiffs have completed service of process and/or after have obtained a waiver and consent from each named Defendant, and further have completed a publication of summons in accordance with Mississippi Code Ann. §19-27-31 and are entitled to the alteration of Wallace Estates Subdivision to be renamed Gartha Wallace Subdivision.
- 13. On October 26, 2004, J. Bryant Cashion executed a Waiver of Process and Entry of Appearance and Consent to Alter the Wallace Estates Subdivision Plat on behalf of Defendant, BancorpSouth Bank, said Waiver having been filed with this Court on November 2, 2004.
- 14. On November 3, 2004, Jim Crowe executed a Waiver of Process and Entry of Appearance and Consent to Alter the Wallace Estates Subdivision Plat on behalf of Defendant, Union Planters Bank. Said Waiver having been filed with this Court on November 5, 2004.
- 15. Defendant, Maurice Wallace, executed a Waiver of Process and Entry of Appearance and Consent to Alter the Wallace Estates Subdivision Plat on November 9, 2004, the original having been filed with this Court on November 10, 2004.
- 16. Defendant, Debroah Wallace, executed a Waiver of Process and Entry of Appearance and Consent to Alter the Wallace Estates Subdivision Plat on November 9, 2004, the original having been filed with this Court on November 10, 2004.
- 17. Defendant, Citi Financial Mortgage Company, Inc., was served with a Summons and a copy of the Petition on October 27, 2004. To date, Defendant has failed to answer or otherwise plead or defend the claims in Plaintiffs' Petition and Plaintiffs obtained a Default Judgment against Citi Financial on December 21, 2004.

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18. Plaintiffs specifically and expressly acknowledge that any and all utility easements shall not be effected in any way by the entry of this Order, and all rights of access, use and entry held by utility providers for property covered by this Order shall remain in full force and effect as if this Order were never entered.

IT IS THEREFORE, ORDERED, ADJUDGED and DECREED as follows, to wit:

- A. That the Court hereby enters a Decree vacating all prior recorded plats of the Wallace Estates Subdivision and/or the Gartha Wallace Subdivision, and that this Court cause this Order, along with the Plat for the Gartha Wallace Subdivision attached hereto as Exhibit "A" to be recorded as the one (1) controlling Plat of record for said properties, to be recorded as a Deed, and a Memorandum thereof to be noted on the record of all prior recorded plats for the properties described herein.
- B. The Court decrees that any and all utility easements shall not be effected in any way by the entry of this Order, and all rights of access, use and entry held by utility providers for property covered by this Order shall remain in full force and effect as if this Order were never entered.

SO ORDERED, this day of January, 2005

CHARCELLUR

PREPARED BY AND RETURN TO: WATKINS LUDLAM WINTER & STENNIS, P.A. P.O. BOX 1456 OLIVE BRANCH, MS 38654-1456 (662) 895-2996

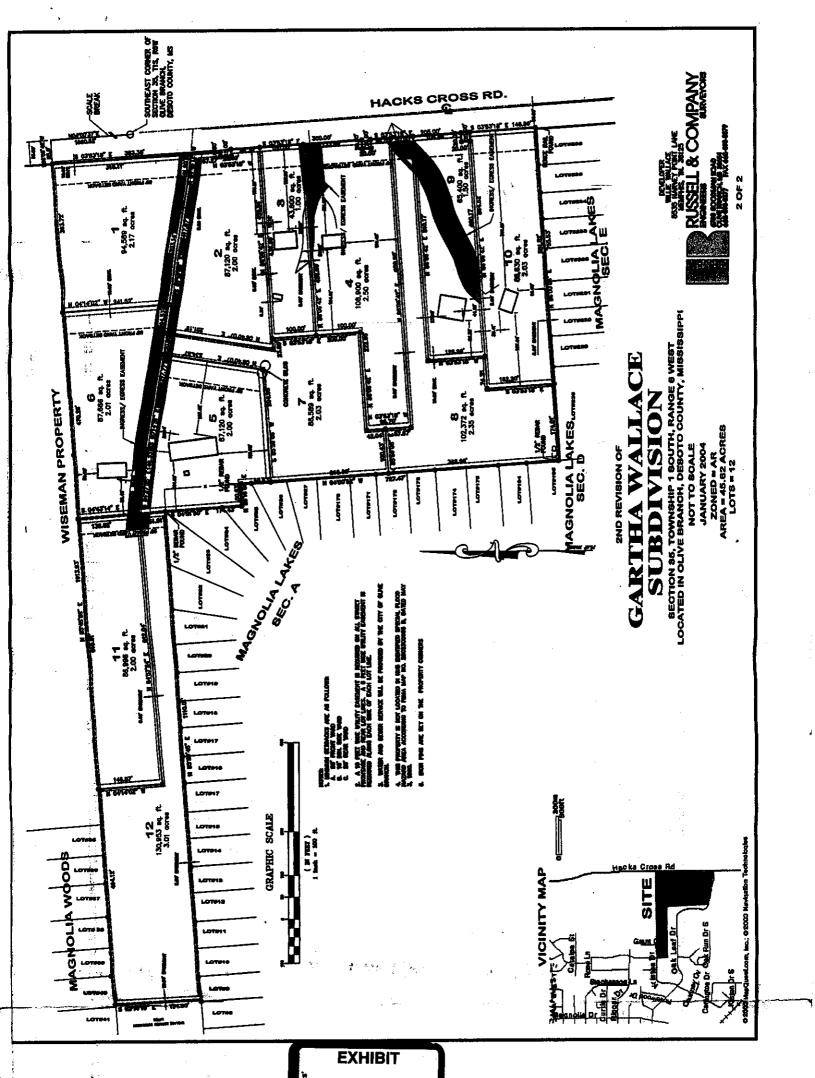
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STATE OF MISSISSIPPINGS
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W. E. Davis, Clerk of the char

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Watkins Ludlam Winter & Stennis, P.A.

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MEMBER: MERITAS LAW FIRMS WORLDWIDE

September 7, 2005

Gulfport, Mississippi Jackson, Mississippi New Orleans, Louisiana Olive Branch, Mississippi

Bryan E. Dye Attorney Resident in Olive Branch Also Licensed to Practice in Tennessee Direct Dial (662) 890-6245 Main (662) 895-2996 or (901) 526-1312 bdye@watkinsludlam.com

W.E. Davis, DeSoto County Chancery Clerk ATTN: Land Records P.O. Box 949 Hernando, MS 38632

Re:

Jacqueline W. Williams, et al vs. Maurice Wallace, et al

Cause No. 04-10-1688

Chancery Court of DeSoto County, Mississippi

Dear Sluggo:

Enclosed please find a certified copy of a Decree Granting Alteration of the Wallace Estates Subdivision Plat, which was signed by Judge Lynchard on January 26, 2005 as part of Cause No. 04-10-1688. Also enclosed are two checks from my firm totaling \$14.50 as well as my letters to your office of February 4 and February 16, 2005. I have also included your office's notice regarding additional information necessary in order to record the order. Since it has been some time since these materials were previously submitted to your office, I wanted to take the opportunity to put down in a letter what transpired and what we are requesting to be done.

The Court's Order vacates all prior recorded plats for the Wallace Estates Subdivision and/or Gartha Wallace Subdivision. The order also purports to have an Exhibit "A" recorded as the new controlling plat for the subdivision. It was determined, after talking with your office and after further consideration that we had to actually record a brand new plat. A new plat has been recorded in the proper form at Book 94, Page 3-4 in your office. We are also recording twelve Division Deeds for each of the twelve lots in the revised subdivision per the plat, recorded at Book 94, Page 3-4. Enclosed please find a check for \$132.00 for recording of the twelve Division Deeds. In order to bring this matter to a conclusion, I believe we need to have the Decree recorded in the Land Records and to have the face of the following plats stamped with a reference to the Court's Decree:

- 1. Plat Book 15, Page 54 Gartha Wallace Subdivision.
- 2. Plat Book 28, Page 4, First Revision, Gartha Wallace Subdivision.
- 3. Plat Book 36, Page 50, Second Revision, Gartha Wallace Subdivision.

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4. Plat Book 68, Page 23, Wallace Estates Subdivision.

Accordingly, I would appreciate your recording the Decree and returning the recorded instrument to me and stamping the face of each of the vacated plats referenced in this Decree. I am also requesting that each of the twelve Division Deeds be recorded and the original recorded instruments returned to me as well.

Should you have any questions, please do not hesitate to call and as always, I appreciate your cooperation.

Very truly yours,

WATKINS LUDLAM WINTER & STENNIS, P.A.

Bryan E. Dv

BED/tb Enclosures

cc: Ms. Carrie Bradley

Watkins Ludlam Winter & Stennis, P.A.

ATTORNEYS AT LAW

6897 Crumpler Boulevard, Suite 100 Post Office Box 1456 Olive Branch, Mississippi 38654 Fax (662) 890-6230 www.watkinsludlam.com

MEMBER: MERITAS LAW FIRMS WORLDWIDE

February 4, 2005

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W.E. Davis, DeSoto County Chancery Clerk ATTN: Land Records P.O. Box 949 Hernando, MS 38632

Re:

Jacqueline W. Williams, et al vs. Maurice Wallace, et al.

In the Chancery Court of DeSoto County, Mississippi; Cause No. 04-10-1688

Dear Sluggo:

Enclosed please find a certified copy a Decree Granting Alteration of the Wallace Estates Subdivision Plat which was signed by Judge Lynchard on January 26, 2005, as part of Cause No. 04-10-1688. As you can see from Paragraph A of the relief section of the Decree, the Judge directed that the Decree, together with the attached Plat for the Gartha Wallace Subdivision, be recorded as a deed in the Land Records of DeSoto County, Mississippi. Accordingly, I have enclosed a check for \$11.50 representing the recording fee. I would appreciate your recording this Order as directed therein and returning the recorded instrument to me. Enclosed is a check for the filing fee.

I appreciate your cooperation and should you have any questions, please do not hesitate to contact me.

Very truly yours,

WATKINS LUDLAM WINTER & STENNIS, P.A.

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Bryan E. Dye

BED/ld Enclosures

cc.

Ms. Carrie Bradley (w/encl.)

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